

MINUTES

UTAH PHYSICAL THERAPY BOARD MEETING

December 16, 2008

**Room 475 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:30 A.M.

ADJOURNED: 12:00 P.M.

Bureau Manager:
Board Secretary:

Rich Oborn
Lee Avery

Board Members Present:

Mark A. Anderson, Chairperson
J. Trent Casper
Edmund L. Sperry
Misha Bradford

Members Absent:

Margo Jones Brady

Guests:

Kim Reid, UPTA, Practice Act Committee Chair
Bryan Child, PT and EMG/NCS
Greg Baker, UPTA, Practice Act Committee
David Johnson, PT and EMG/NCE
Rick Nielsen, PT and EMG/NCS

DOPL Staff Present:

F. David Stanley, Division Director
Kent Barnes, Compliance Manager

TOPICS FOR DISCUSSION: **MINUTES**

DECISIONS AND RECOMMENDATIONS:

The minutes from April 8, 2008 were reviewed. Mr. Sperry motioned to approve the minutes, seconded by Ms. Bradford. The motion carried unanimously.

COMPLIANCE REPORT

Kent Barnes, Compliance Manager

#1. Mr. Sabey is in compliance with his stipulation if the Board does not want a resume from his supervisor. The Division received his supervisor report from Steve Christensen. The Board requested a resume from Mr. Christensen at the last Board meeting but has not yet received it.

Discussion:

The Board decided it would like to see the resume from Mr. Christensen. The Board talked about Mr. Sabey doing home visits. The Board suggested that Mr. Sabey do home visits to female patients only when accompanied by a chaperone

#2. Mr. Nebeker is in compliance with his stipulation. The Division received a therapy report and a supervisor report from Kirk Orton and Melissa McLane respectively. Mr. Nebeker's reports are due January 20, March 20, July 20 and November 20, 2009. Mr. Nebeker needs to report on the book the Board recommended, "The Educated Heart: Professional Boundaries for Message Therapists, Body Workers, and Movement Teachers by Nina McIntosh". There is a chaperone log requirement as part of his probation. If the Board still wants this log he will need to get these submitted.

Discussion:

The Board briefly discussed Mr. Nebeker needing a chaperone and a chaperone log if any of his clients are female. The Board noted that if Mr. Nebeker is still working in an open gym a chaperone log is not needed; however, this needs to be noted in the employer report from his supervisor.

Update:

Mr. Barnes advised the Board that Byron Thompson is working in California and has been in compliance with the Board. After a brief discussion the Board stated it would like to have a conference call with Mr. Thompson at its next meeting.

APPOINTMENTS:

Laine Sabey, Probation Interview

Mr. Sabey presented himself to the Board. Mr. Sperry conducted the interview. Mr. Sabey advised the Board that things were going well. The facility he works at is experiencing financial difficulties and there had been some adjustments in personnel and working hours. Mr. Sabey was advised that the Board has not received a resume from Steven Christensen and that this needs to be submitted by Tuesday December 23,

2008. Mr. Sabey stated that he would have Mr. Christensen submit another one. Mr. Sabey stated that there has been no changes to his address or phone numbers. Mr. Sabey stated that he works at Wasatch Rehab in a large open gym. He is not alone with any patient there because other staff members are always present. The Board requested Mr. Sabey have his supervisor state that he has a chaperone when treating female patients. Mr. Sabey stated that he continues working part-time doing pre-work screens to newly hired employees, mostly truck drivers. These are done in a group setting. There is no undressing. They take medical histories, check blood pressure, and do spine and hand strength tests. Mr. Sabey stated he has no medical or health issues. His family is his support system. Mr. Sabey stated that he enjoys teaching. The Board encouraged Mr. Sabey to advise the university physical therapy program director regarding Mr. Sabey's license being on probation. Mr. Sabey reviewed his report on the book the Board recommended that he read. The book was titled: The Educated Heart: Professional Boundaries for Massage Therapists, Body Workers, and Movement Teachers by Nina McIntosh. The Board advised Mr. Sabey that he could do home visits as long as he only sees male patients. The Board requested Mr. Sabey have his supervisor state in his employer report to the Board that he reviewed Mr. Sabey's client list and that he is in compliance with his stipulation. The Board noted the change in Mr. Sabey's demeanor and his willingness to accept responsibility. The Board asked to see Mr. Sabey on February 17, 2009. **Mr. Sabey is in compliance with his stipulation.**

John Nebeker, Probation Interview

Mr. Nebeker presented himself to the Board. Mr. Anderson conducted the interview. Mr. Anderson stated that Mr. Nebeker's counselor noted that he has seen Mr. Nebeker for six (6) sessions and he is recommending that Mr. Nebeker's therapy be concluded. Mr. Nebeker stated that he felt the therapy sessions were very helpful and feels comfortable with ending therapy. Mr. Nebeker stated that he is ready to move on with his life. He now understands that he needs to protect himself and set boundaries. Mr. Nebeker stated that he read: The Educated Heart: Professional Boundaries for Massage Therapists, Body

Workers, and Movement Teachers by Nina McIntosh and found it to be very helpful. Mr. Nebeker briefly reviewed several areas of the book that were most helpful to him. Mr. Nebeker advised the Board that he works at Wasatch Valley Care Center. The clients are always fully clothed. They do therapy in a large open gym and there are always other aides, patients, and staff present. There have been times he has gone to a patients room to help move the patient to a wheelchair; however, he does not do therapy in the patient's room and there is always another staff member there. The Board asked Mr. Nebeker to have his supervisor include this in his reports to the Board. The Board asked Mr. Nebeker to have his supervisor also include if he is doing therapy with female clients and if there is a chaperone or other staff members present, as required in his stipulation. The Board advised Mr. Nebeker that it has noticed a change in his demeanor and in him taking responsibility for his actions. The Board encouraged Mr. Nebeker to continue moving in this direction. The Board asked to see Mr. Nebeker February 17, 2009. **Mr. Nebeker is in compliance with his stipulation.**

Update on Potential Changes to Physical
Therapist Practice Act, Kim Reid

Kim Reid, UPTA, Practice Act Committee
Chairperson

Bryan Child, PT and practices EMG/NCS

Greg Baker, UPTA, Legislative Chairperson for the
Physical Therapy Association

David Johnson, PT and EMG/NCE

Rick Nelsen, PT and EMG/NCS

Mr. Reid reviewed the current proposed language regarding statute changes from the Utah Physical Therapy Association. Mr. Reid noted that there have been some changes since they last met with the Board. They are still proposing to obtain licensure for the physical therapy assistants. In 2009, Medicare has changed its requirements and will not reimburse for services unless licensure is in place for physical therapist assistants. The other proposed change is to make continuing education mandatory for physical therapists and physical therapist assistants. They are recommending forty (40) hours of continuing education per renewal cycle. The Board reviewed the proposed education, examination, and continuing education requirements. Mr. Reid stated that the

proposed changes have been forwarded to a legislative representative. The Board encouraged Mr. Reid to keep it updated as the legislation session nears.

DISCUSSION ITEMS:

FSBPT Annual Meeting, Mark Anderson

Mr. Anderson advised the Board that he attended the FSBPT Meeting. One topic of discussion at the annual conference was the FSBPT model practice act. Other topics discussed were: #1. Issues in testing with the Philippines study centers; #2. Referral for profit; #3 Resources for ethical and boundary sources. Mr. Anderson gave the Board a list of resources for review.

Practice of Needle Electromyography by
Physical Therapists

Bryan Child, PT and EMG/NCS, David Johnson, PT and EMG/NCS, Rick Nielsen, PT and EMG/NCS
Mr. Oborn stated that the current statute allows for the practice of needle electromyography by physical therapists; however, the language in statute and rule could be clarified. Mr. Oborn stated that the Division is receiving inquiries regarding electromyography is within the physical therapists scope of practice. Mr. Child, Mr. Johnson, and Mr. Nielson reviewed the practice of using electromyography (EMG) with the Board. Certification to perform EMG's requires two thousand (2,000) hours of experience supervised by a certified supervisor with a minimum of five hundred (500) patients. The health care provider refers patients to the physical therapist. The results are reported to the health care provider. Mr. Oborn stated he will research this to see if it can be clarified in the Physical Therapist Practice Act Rule.

CORRESPONDENCE:

None

NEXT MEETING SCHEDULED FOR:

February 17, 2009.

2009 Board meetings tentatively scheduled:
February 17, April 21, August 18, December 15

ADJOURN:

Motioned to adjourn at .12:00 P.M.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

February 17, 2009
Date Approved

(ss) Mark A. Anderson
Mark A. Anderson, Chairperson, Utah Physical
Therapy Licensing Board

January 22, 2009
Date Approved

(ss) Richard J. Oborn
Richard Oborn, Bureau Manager, Division of
Occupational & Professional Licensing